

REMARKS

The Office Action dated March 13, 2002 has been read and carefully considered and the present amendment submitted to clarify the language of the claims in order to expedite the further prosecution. In that Office Action, claims 6-16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. As such, Applicant has amended all of those claims to more clearly set forth the intention of Applicant to claim the protective shield and not the bed frame itself or any of the bed frame components.

Claims 1, 6-16 and 18-21 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,867,853 to Feld. Claims 1, 2 and 6-16 were rejected under that same section as being anticipated by U.S. Patent 5,890,244 to Cartwright *et al.* Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,076,212 to Feld in view of U.S. Patent No. 5,628,080 to Quintile. Claim 17 was allowed and the allowance of the claim is greatly appreciated. Claims 3-5, 22 and 23 were indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. 112 and to include all of the limitations of the base claim and any intervening claims.

As such, independent claim 1 has been amended to add the feature that the protective shield is comprised of molded plastic housings and which feature is submitted as a patentable feature over the Feld reference where the protective device is simply a compressible material that is fitted to the angle iron members of a bed frame. There is no teaching in Feld to use such devices to enclose a junction point of a side rail and a cross member and such protection would seem to be far afield from the simple enclosing of the sides of an angle iron of Feld.

Accordingly, the use the Feld device to enclose any of the junction points or other areas of the bed frame where there may be sharp edges or corners would not be feasible with the Feld device and yet such result has been accomplished with the molded plastic protective shields disclosed and claimed by Applicant where the molded plastic material can be of a hard or soft molded plastic construction. The Cartwright *et al* devices are, of course, merely soft, vinyl coverings that encompass a bed rail and also would not be considered, nor disclosed to be, a protective shield for junction points of a bed frame or the ends of a side rail of a bed frame.

As such it is submitted that claim 2, dependent upon claim 1, is also allowable over the Feld and Cartwright *et al* references where the limitation of a living hinge is added along with the means to affix the free ends of the protective shields together.

Claim 3 has been canceled in view of the addition of the limitations of claim 3 into claim 1 and which was indicated as being allowable if claim 3 were rewritten in independent form with the limitation of the base claim; there being no intervening claims. As such, the action suggested by the Examiner has been taken and claim 3 has been cancelled

Claims 4 and 5 have been rewritten so as to be allowable as indicated by the Examiner by rewriting both of those claims in independent form and to include the limitations of the base claim and any intervening claims and, accordingly, it is submitted that claims 4 and 5 are in allowable form.

Claim 6 has been amended to add the limitation of the first and second housings being of a molded plastic material, the same limitation that was in claim 3 and, by the Examiner's suggestion, was incorporated into claim 1. Thus, the same limitation of the molded plastic housing is now also in claim 6 and is therefore also submitted as being allowable. Thus the dependent claims 7-10 are also believed to be in allowable form, with the Section 112 rejection clarified.

Next, independent claim 11 has been amended to add the feature of the molded plastic housings and also the further feature of the interlocking means at the free ends of those plastic housings that are joined together to affix the free ends of the housings together. Again, the claims dependent upon claim 11 have also been amended to clarify the language in order to avoid the Section 112 rejection and thus are believed to be allowable along with claim 11.

The same action was taken with respect to claim 18 where the protective shields are comprised of molded plastic housings that have an interlocking means that is used to interlock the free ends together and to enclose certain enumerated areas of a bed frame. Claim 20 has, therefore, been cancelled as the limitation of claim 20 has been added into the language of claim 18. The same is true of claim 22 that was indicated as being allowable if rewritten in independent form, that is, the limitation of the plastic housings having free ends that can be affixed together has been incorporated into independent claim 18 and therefore claim 22 has been cancelled.

Claim 23 is also submitted as allowable as the limitations of its intervening claim have now been incorporated into its independent claim 18.

Claim 24 has been amended to point out a distinguishing feature of that claim over the cited references. It is submitted that the use of indicia is not the same as merely putting a label on a mattress that can be easily removed by the user. With this invention, the indicia is not on a mattress or a box spring that a user may change or replace from time to time. The present indicia is permanently made in a component, the bed shield, that is affixed to the bed frame and is intended to remain affixed to that bed frame as a safety feature, therefore a component that is unlikely to ever be removed by the user.

Accordingly, while a mattress or box spring may offer temporary indicia of a source, the present indicia is affixed permanently to a component that is intended to remain with the bed frame for the life of that bed frame and therefore serves as a reminder to the owner when a new bed frame is to be purchased. For the user to remove the particular indicia of this invention, it is necessary to actually remove a component that is intended to remain as a safety feature, and thus, the user would be disabling a feature intended to provide safety to that user. Thus, there is little incentive for the user to remove the safety feature or component of this invention and therefore that indicia permanently placed on that safety component will remain on the bed frame for a considerable period of time, anticipated, for example to be from 10 to 20 years.

As such, new claim 25 has been added with this amendment to claim a bed frame having the protective shield affixed to the bed frame with the indicia permanently placed on the protective shield. That indicia may, of course, be an advertisement of the supplier or source of the bed frame and is invaluable in returning business to a particular party.

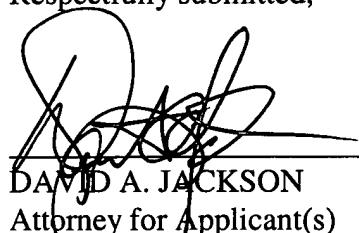
New claims 26-29 have been added to claim the present invention with a structural component and, again, the claims include the feature where the present shield includes first and second molded plastic housings and some interlocking securing means that allows the free ends of those housings to be affixed together to enclose the sharp edges or ends to protect persons from being injured by encountering those edges.

Finally, claims 30-33 have been added to properly make dependent, the feature that the housings are joined together by means of a hinge with the further dependent claims that further define that hinge to be a living hinge.

Accordingly, it is submitted that the claims in the present application are now all in condition for allowance and an allowance of the application is respectfully solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

Respectfully submitted,



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Version With Markings to Show Changes Made

In the Claims:

Claim 1 has been rewritten as follows:

1. (Amended) A bed frame comprising side rails having ends, cross members affixed at junction points to said side rails intermediate said ends, said bed frame having leg assemblies extending downwardly from said junction points of said cross members and said side rails, protective shields comprising molded plastic housings affixed to said bed frame and adapted to enclose the ends of said side rails and said junction points of said side rails and said cross members to cover sharp ends at said locations.

Claims 4 -16 have been rewritten as follows:

4. (Amended) [A bed frame as defined in claim 1 wherein said protective shields comprise] A bed frame having sharp edges at at least one location, said at least one location comprising side rails having ends, cross members affixed at junction points to said side rails intermediate said ends, leg assemblies extending downwardly from said junction points of said cross members and said side rails, and brackets adapted to affix a headboard to said bed frame, protective shields comprising at least first and second housings [have] having formed peripheral surfaces that are joined together by means of a snap fit, said protective shields affixed to said at least one location of said bed frame to enclose and contain the sharp edges at said at least one location.

5. (Amended) [A bed frame as defined in claim 2] A bed frame having sharp edges at at least one location comprising side rails having ends, cross members affixed at junction points to said side rails intermediate said ends, leg assemblies extending downwardly from said junction points of said cross members and said side rails, and brackets adapted to affix a headboard to said bed frame, protective shields comprising at least first and second housings joined together and having free ends, wherein one of said free ends of one of said at least first

and second housings has a tab extending therefrom and said other free end of said other housing has an aperture [apertures] adapted to receive said [tabs] tab to affix said free ends together, said protective shields adapted to be affixed to said bed frame at said at least one location to enclose the sharp edges at said at least one said location.

6. (Amended) A protective shield to enclose and contain sharp edges of a bed frame member, said protective shield comprising first and second molded plastic housings, said first and second housings being joined together [by means of a hinge] and having free ends, said first and second housings [have] having a securing means at said free ends thereof, said housings adapted to be affixed about said sharp edges of [said] a bed frame to enclose and contain the sharp edges.

7. (Amended) A protective shield as defined in claim [6] 31 wherein said hinge is a living hinge.

8. (Amended) A protective shield as defined in claim 6 wherein said shield is adapted to be affixed to [said] a bed frame member when said free ends are affixed together.

9. (Amended) A protective shield as defined in claim 8 wherein [said] a bed frame member is [comprises] a leg assembly.

10. (Amended) A protective shield as defined in claim 8 wherein [said] a bed frame member [comprises] is at least one side rail.

11. (Amended) A protective shield to enclose and contain a sharp edge or corner at at least one location about a bed frame comprising side rails having ends, [and] cross members joined to said side rails and having legs extending downwardly from the junction of said cross members and said side rails, and brackets adapted to affix a headboard to said bed frame, said protective shield comprising [at least] first and second molded plastic housings, said first and

second housings joined together [by means of a hinge] and having free ends, said first and second housings [have a] having an interlocking securing means at said free ends thereof, said housings adapted to be affixed about said at least one location of said bed frame member to enclose and contain the sharp edges or corners by joining the interlocking securing means at said free ends of said first and second housings.

12. A protective shield as defined in claim [11] 32 wherein said hinge is a living hinge.

13. (Amended) A protective shield as defined in claim 11 wherein said at least one location comprises enclosing and containing [said] legs.

14. (Amended) A protective shield as defined in claim 11 wherein said at least one location comprises enclosing and containing [said] junctions of a cross member and a side rail of a bed frame.

15. (Amended) A protective shield as defined in claim 11 wherein said at least one location comprises [said] side rails of a bed frame.

16. (Amended) A protective shield as defined in claim 11 wherein said at least one location comprises [said] ends of [said] side rails, [said] junctions of [said] cross members and [said] side rails, [said] legs, brackets for affixing a headboard and [said] side rails of a bed frame.

Claims 18 and 19 have been rewritten as follows:

18. (Amended) In a bed frame construction having side rails and cross members affixed to said side rails and positioned between said side rails, and leg assemblies located adjacent said junctures of said side rails and said cross members,

the improvement comprising a protective shield comprising a plurality of molded plastic housings, said housings being joined together and having free ends including interlocking means to affix said free ends together, said housings being affixed to said bed frame to enclose said ends of said side rails, said junctures of said side rails and said cross members by affixing said free ends together by said interlocking means.

19 (Amended) In a bed frame construction as defined in claim 18 wherein the improvement further comprises said molded plastic housings adapted to be joined together to enclose substantially the entire length of said side rails.

Claim 21 has been rewritten as follows:

21. (Amended) In a bed frame construction as defined in claim [20] 33 wherein the improvement further comprises said hinge is a living hinge.

Claims 23 and 24 have been rewritten as follows:

[22] 23. (Amended) In a bed frame construction as defined in claim [19] 18 wherein the improvement comprises said [molded plastic housings have] interlocking means having interlocking peripheral edges adapted to be snapped together to join said [housing] free ends of said housings together.

[23] 24. (Amended) A [permanent] protective mounted shield for a bed frame, said shield having a pair of housings adapted to be joined together to enclose a structural member of a bed frame having sharp edges to provide protection to a user of a bed frame, said shield having indicia permanently placed on said shield [indicating the source of the bed including a web site and a telephone number].